

REMARKS

Claims 1-6 have been examined. Claims 1-2 and 6 are rejected under 35 U.S.C. § 102(b).

Also, the Examiner has indicated that claims 3-5 contain allowable subject matter.

I. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 5,566,840 to Walder et al. (“Walder”).

A. Claim 1

The Examiner continues to maintain that claim 1 is unpatentable over Waldner. On page 3 of the Office Action, the Examiner maintains that the Applicant’s arguments, as provided in the July 18, 2005 Amendment, are not persuasive. In particular, the Examiner alleges that Waldner only has to show “something that can position because there is no special structure being recited.” However, claim 1 specifically recites that there are “predetermined positions” along the inserting direction of the boss. There has to be a special feature in the structure to allow for the predetermined positions along the boss. In other words, the predetermined positions reflect structure of the boss. Since the top of the pin 16 of Waldner has the same outer width as the base of the pin 16 (i.e., since the lateral surfaces 30 are parallel), and no other intervening structure along the lateral surface 30 is disclosed, there cannot be any predetermined positions in a manner as recited in claim 1. Rather, all of the boards 22 of Waldner will rest on the lower part 10 of the frame from which pin 16 extends. Such position is a single position, and thus, does not disclose predetermined positions (plural) *along* an inserting direction of the pin 16.

Further, claim 1 recites that the positioning section comprises at least one support face for each member to be pierced, where the support faces extend perpendicular to the inserting direction and support the members to be pierced.

On page 3 of the Office Action, the Examiner maintains that any surface that is not completely vertical is substantially perpendicular. Although Applicant believes the statement to be without merit, Applicant has amended claim 1 to clarify that the support face extends “perpendicular” to an inserting direction. A non-limiting embodiment of the claimed feature is shown, for example, in Figures 4 and 5 of the present Application.

Applicant submits that Waldner fails to teach or suggest any type of support face that extends from the pin 16 in a direction *perpendicular* to an inserting direction of the members 12 and 14, and that will support the members 12 and 14.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claim 2

Applicant submits that claim 2 is patentable at least by virtue of its dependency upon claim 1.

In addition, claim 2 recites that the at least one support face comprises a plurality of steps which are disposed by forming the boss into a shape that is stepwise tapered as advancing toward a tip end.

In addition to Applicant's comments regarding claim 1 above, Applicant submits that Waldner fails to teach or suggest the claimed "plurality of steps." The Office Action does not acknowledge the claimed feature, nor does it discuss where Waldner discloses the plurality of steps. If the rejection is to be maintained, Applicant respectfully requests the Examiner to specifically point out where the alleged teaching is provided in Waldner.

C. Claim 6

Since claim 6 has been canceled, without prejudice or disclaimer, and has been incorporated into claim 1, Applicant refers the Examiner to the comments provided above.

II. Allowable Subject Matter

The Examiner has indicated that claims 3-5 contain allowable subject matter. The Examiner also refers to a 35 U.S.C. § 112, second paragraph rejection. Since no such rejection is set forth in the current Office Action, Applicant assumes the reference to the 35 U.S.C. § 112, second paragraph, rejection was inadvertently included from the previous Office Action. Further, since claim 5 is rewritten into independent form, Applicant submits that such claim is now in condition for allowance.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 10/635,678

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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